IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

Bail Appl..No. 1525 of 2007()

CP.5/2007 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.15/2006 OF AMARAVILA EXCISE RANGE

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PETITIONERS/ACCUSED 2 AND 4

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1. BABU @ THARAM BABU,
S/O.KRISHNANKUTTY, PINARKALA LAL BHAVAN,
NADARKOLLA DESOM, KOLLAYIL VILLAGE,
NEYYATTINKARA TALUK.

2. SUBASHINI D/O.CHELLAMMA,
AKKARA POTTA VEEDU, NADOORKOLLA,
MANCHAVILAKOM, MALYILKADA, NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1525/2007

Dated this 15th day of March, 2007

O R D E R

The petitioners who are accused Nos. 2 and 4 in C.R.No.15/2006 of Amaravila Excise Range for offences punishable under Sections 55(a) and 8(2) of the Abkari Act, seek anticipatory bail.

2. It is alleged that on 5.4.2006, all the three accused person were found in illegal possession of 50 litres of illicit arrack.

3. The learned Public Prosecutor opposed the application.

4. Anticipatory bail cannot be granted in a case of this nature especially when the case is pending as C.P.No.5/2007 on the file of the J.F.C.M-II, Neyyattinkara. There is no reason why the petitioners should not surrender before the committal Court and seek regular bail. Accordingly if the petitioners surrender before the J.F.C.M-II, Neyyattinkara and file applications for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which the applications are filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs